

DAYLE ELIESON  
United States Attorney  
ELHAM ROOHANI  
Nevada Bar No. 12080  
Assistant United States Attorney  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, Nevada 89101  
PHONE: (702) 388-6336  
EMAIL: elham.roohani@usdoj.gov

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JUSTIN ANTHONY FISHER  
and  
JOSHUA RAY FISHER,  
Defendants.

2:17-cr-73-APG-GWF

STIPULATION TO CONTINUE  
RESPONSE TO DEFENDANT'S  
MOTION TO ALLOW  
DEFENDANTS TO REVIEW  
EVIDENCE TOGETHER (ECF No.  
98)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and Elham Roohani, Assistant United States Attorney, counsel for the United States of America, and THOMAS PITARO, counsel for defendant JUSTIN ANTHONY FISHER, that the Government's response to defendant's Motion to Allow Defendants to Review Evidence Together (ECF No. 98), in the above-captioned matter, be continued for 60 days.

This Stipulation is entered into for the following reasons:

1. The Government has recently provided to defense counsel newly discovered evidence that bears on the Government's position regarding the above

referenced motion. Government counsel requires additional time to consult with the affected parties, and defense counsel to potentially resolve the motion short of judicial intervention. The parties anticipate that either the defense will withdraw the motion, or the Government will not oppose the motion thereby rendering the motion moot. It would converse judicial resources to grant the continuance.

2. Defense Counsel has no objection to the continuance.
3. The Defendants are in custody but do not object to the continuance.
4. Denial of this request for continuance could result in a miscarriage of justice.
5. This is the first request for a continuance of deadline for the Government to respond to the defendant's Motion to Allow Defendants to Review Evidence Together.

Dated this 23rd day of July, 2018.

DAYLE ELIESON  
United States Attorney

/s/  
ELHAM ROOHANI  
Assistant United States Attorney

/s/  
THOMAS PITARO, ESQ.  
Counsel for Defendant Justin Fisher

/s/  
WILLIAM TERRY, ESQ.  
Counsel for Defendant Joshua Fisher

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,  
Plaintiff,  
vs.

2:17-cr-73-APG-GWF

ORDER

JUSTIN ANTHONY FISHER  
and  
JOSHUA RAY FISHER,  
Defendants.

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing  
therefore, the Court hereby finds that:

1. The Government has recently provided to defense counsel newly discovered evidence that bears on the Government's position regarding the above referenced motion. Government counsel requires additional time to consult with the affected parties, and defense counsel to potentially resolve the motion short of judicial intervention. The parties anticipate that either the defense will withdraw the motion, or the Government will not oppose the motion thereby rendering the motion moot. It would converse judicial resources to grant the continuance.
2. Defense Counsel has no objection to the continuance.
3. The Defendants are in custody but do not object to the continuance.
4. Denial of this request for continuance could result in a miscarriage of justice.
5. This is the first request for a continuance of deadline for the Government to

1 respond to the defendant's Motion to Allow Defendants to Review Evidence  
2 Together.

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4 **CONCLUSIONS OF LAW**

5 Based on the fact that the parties have agreed to the continuance; based on the  
6 fact that the defendant does not object to the continuance; and based on the fact that  
7 denial of this request for continuance could result in a miscarriage of justice, the Court  
8 hereby concludes that:

9 The ends of justice are served by granting said continuance, since the failure to  
10 grant said continuance would be likely to result in a miscarriage of justice and would  
11 deny adequate response to the pending Motion to Allow Defendants to Review  
12 Evidence Together, taking into account the exercise of due diligence.

13 **ORDER**

14 IT IS THEREFORE ORDERED that the deadline for the Government to respond  
15 to defendant's Motion to Allow Defendants to Review Evidence Together is hereby  
16 reset to October 5, 2018.  
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19 Dated: 7/24/18



20 HONORABLE GEORGE W. FOLEY  
21 UNITED STATES MAGISTRATE JUDGE  
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